IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. No. 1460 of 2007 (O&M)

DATE OF DECISION : 04.04.2007

National Insurance Company Limited

.... APPELLANT

Versus

Balbir Kaur and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. D.P. Gupta, Advocate,
for the appellant.

National Insurance Company Limited has filed this appeal against the order dated 17.1.2007, passed by the Commissioner, Ambala, under the Workmen Compensation Act, 1923 (hereafter referred to as `the Act'), whereby compensation of Rs. 2,81,109/- has been awarded to six claimants.

2. I have heard counsel for the appellant and gone through the impugned order.

3. In this case, the claimants filed application for compensation on account of death of Shri Sukhdev Singh, who was working as driver for the last three years on the truck of respondent No.7. It has been alleged that when the deceased was coming from Delhi towards Gobindgarh, on the way, he felt pain in his chest and suddenly he died there on a dhaba. It is the case of the claimants that the deceased died during the course of his employment, therefore, his legal heirs are entitled for compensation under the Act. Undisputedly, the employer got his employee insured with the appellant company. The Commissioner, while taking into consideration the evidence led by the parties, came to the conclusion that relationship of employer and employee was existing between respondent No.7 and the

deceased. On issue No.2, it was further held that the deceased died during the course of employment of respondent No.7. It has been held that death of deceased Sukhdev Singh had taken place on account of becoming tired and suffering heart attack due to driving of the truck of respondent No.7 on long route.

4. Counsel for the appellant submits that the deceased died a natural death in the course of employment, therefore, the Insurance Company is not liable to indemnify the compensation payable to the claimants. He further submits that the finding recorded by the Commissioner that the deceased died on account of heart attack at a dhaba is not supported by any material evidence.

5. After hearing counsel for the appellant and going through the impugned order as well as the statement of the widow, I do not find any substance in the submissions made by counsel for the appellant. In this case, the death of deceased Sukhdev Singh at Murthal dhaba, when he was in the employment of respondent No.7, has not been disputed. The only plea raised by the appellant is that the deceased died a natural death, but there is no material on record to support this plea. Rather, in the application for compensation as well as in the statement, it has been stated by the claimants that the deceased died due to pain in the chest as he was driving the truck on long route. It has also been stated that respondent No.7 did not intentionally allow the post mortem of the deceased. In the facts and circumstances of the case, I do not find any ground to interfere in the finding of fact recorded by the Commissioner. No other point has been raised by counsel for the appellant.

6. Dismissed.

April 04, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**